

FACSIMILE

PLEASE CALL US AT (703) 413-3000 IF THE MESSAGE YOU RECEIVE IS INCOMPLETE OR NOT LEGIBLE

ATTORNEYS AT LAW

FOURTH FLOOR
 1755 JEFFERSON DAVIS HIGHWAY
 ARLINGTON, VIRGINIA 22202
 USA

(703) 413-3000
 (703) 413-2220 FACSIMILE

OBLONPAT@OBLOON.COM

PATENT, TRADEMARK AND COPYRIGHT LAW
 AND RELATED FEDERAL AND ITC LITIGATION

WWW.OBLOON.COM

TO	Jeffrey Fredman	March 5, 2004
NAME	Art Unit 1634	DATE
COMPANY/FIRM		571-273-0742
NUMBER OF PAGES INCLUDING COVER:	3	FAX #
FROM	Thomas M. Cunningham	CONFIRM FAX: <input type="checkbox"/> YES <input type="checkbox"/> NO
NAME	703-413-6563	205057US0
DIRECT PHONE #		OUR REFERENCE
		09/813,990
		YOUR REFERENCE

MESSAGE

Dear Examiner Fredman,

As discussed last Wednesday (3/3/04), this case would be permitted to issue in due course if we deleted part "bt" of Claim 18 and cancelled Claim 20, which also refers to "bt". The enclosed "Attachment to Examiner's Amendment" makes these changes as well as other clarifying changes to the claim set. Support for new dependent Claims 62 and 63 is found in original Claim 18 and support for new dependent Claims 64 and 65 in Claim 46. Accordingly, the Applicants do not believe that any new matter has been added.

Should these changes be acceptable, you are authorized to make them by Examiner's Amendment and permit the application to issue in due course.

With best regards,

Thomas M. Cunningham
 Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
 Registration No. 45,394

Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service at our Expense. Thank You.

COPY



Attachment to Examiner's Amendment 09/813,990

--1-17. (Cancelled)

18. (Currently Amended) A polynucleotide suitable for predicting the efficacy of interferon therapy using interferon α and/or interferon β for treating an individual who suffers from hepatitis C virus, comprising a polynucleotide selected from the group consisting of:

- (at) the a polynucleotide of comprising Sequence ID No. 1;
- (bt) a polynucleotide having a nucleic acid sequence that is at least 99.83% identical to Sequence ID No. 1 and having MxA gene promoter activity; and
- (et) a complementary strand of the polynucleotide selected from the group consisting of (at) and (bt);
comprising the polynucleotide of SEQ ID NO: 1 (at), or
comprising the complementary strand of the polynucleotide of SEQ ID NO: 1.

19. (Currently Amended) The polynucleotide of Claim 18, which comprises the polynucleotide of SEQ ID NO: 1 (at).

20-22. (Cancelled)

23. (Currently Amended) The polynucleotide of Claim 18, which comprises the complementary strand of the polynucleotide of SEQ ID NO: 1 (et).

24. (Currently Amended) The polynucleotide of Claim 18, further comprising at least one additional polynucleotide connected to said polynucleotide, the additional polynucleotide being selected from the group consisting of a promoter, an enhancer, an upstream activation sequence, a silencers, a upstream suppression sequence, an attenuator, a poly A tail, a nucleus transport signal, a Kozak sequence, an ISRE, a drug resistance factor, a gene of signal peptide, a gene of transmembrane domain, a gene of marker protein, a gene of interferon-responding protein, and a gene of interferon-non-responding protein.

COPY

25-45. (Canceled)

46. (Previously presented) A vector comprising the polynucleotide of Claim 18.

47-61. (Canceled)

62. (New) The polynucleotide of Claim 19, which is suitable for predicting the efficacy of interferon therapy using interferon- α and/or interferon- β for treating an individual who suffers from hepatitis C virus.

63. (New) The polynucleotide of Claim 23, which is suitable for predicting the efficacy of interferon therapy using interferon- α and/or interferon- β for treating an individual who suffers from hepatitis C virus.

64. (New) A vector comprising the polynucleotide of Claim 19.

65. (New) A vector comprising the polynucleotide of Claim 23.

COPY

*** * * COMMUNICATION RESULT REPORT (MAR. 5. 2004 : 4:48PM) * * *

TRANSMITTED/STORED : MAR. 5. 2004 4:47PM
FILE MODE OPTION

OPTION

ADDRESS

937 MEMORY TX

915712730742

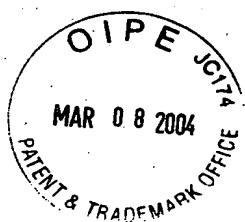
RESULT

PAGE

3/3

ok

3/3



REASON FOR ERROR
E-1) HANG UP OR LINE FAIL
E-3) NO ANSWER

E-2) E-4) BUSY NO FACSIMILE CONNECTION

ORLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT

FACSIMILE

PLEASE CALL US AT (703) 413-3000 IF THE MESSAGE YOU RECEIVE IS INCOMPLETE OR NOT LEGIBLE.

TO	Jeffrey Fredman	March 5, 2004
NAME	Art Unit 1634	DATE
COMPANY/FIRM		571-273-0742
NUMBER OF PAGES INCLUDING COVER:	3	FAX #
FROM	Thomas M. Cunningham	CONFIRM FAX: <input type="checkbox"/> YES <input type="checkbox"/> NO
NAME	703-413-6563	205057US0
DIRECT PHONE #		OUR REFERENCE 09/813,990
		YOUR REFERENCE

MESSAGE

Dear Examiner Friedman,

As discussed last Wednesday (3/3/04), this case would be permitted to issue in due course if we deleted part "bt" of Claim 18 and cancelled Claim 20, which also refers to "bt". The enclosed "Attachment to Examiner's Amendment" makes these changes as well as other clarifying changes to the claim set. Support for new dependent Claims 62 and 63 is found in original Claim 18 and support for new dependent Claims 64 and 65 in Claim 46. Accordingly, the Applicants do not believe that any new matter has been added.

Should these changes be acceptable, you are authorized to make them by Examiner's Amendment and permit the application to issue in due course.

With best regards

Thomas M. Cunningham
Oblon, Spivak, McClellan
Registration No. 45 394

COPY

Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service at our expense. Thank You.